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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,362	09/25/2001	Dan Dan Yang	42041-0003	5924
7590	10/04/2005		EXAMINER	
Cassan Maclean Suite 401 80 Aberdeen Street Ottawa, Ontario, K1S 5R5 CANADA				PAYNE, DAVID C
				ART UNIT 2638
				PAPER NUMBER DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/961,362	YANG ET AL.
	Examiner	Art Unit
	David C. Payne	2638

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 June 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-5 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-5 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 1-5 is withdrawn in view of the newly discovered reference(s) to Kasahara et al. US 6804469 B2 (Kasahara) and Stockstad et al. US 5671375 A (Stockstad). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasahara et al. US 6804469 B2 (Kasahara) in view of Stockstad et al. US 5671375 A (Stockstad).

Re claim 1, Kasahara disclosed

A method of communicating between a host optical system controller (1 of Figure 1) and an optical subcontroller (7 of Figure 1, 12 of Figure 2), the method comprising: sending an initial command message from said host to said subcontroller, said command message including a first command identifier indicating a command from said host to said subcontroller; receiving said first command message at said subcontroller; consulting a command database at said subcontroller to interpret said first command message, said database containing multiple possible valid command identifiers, each command identifier having a corresponding interpretation and action in said database based on a specific type of optical device connected to said subcontroller; at said subcontroller, implementing an action corresponding to said first command message based on said corresponding interpretation of

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said command identifier and formulating a proper response to said command identifier based on a result of said corresponding action; and sending a response message from said subcontroller to said host,

(e.g., col./line(s): 4/1-20, 6/5-45, 8/40-55, 9/14-25, 12/30-35).

Kasahara does not disclose where the response is explicitly a success or failure or wherein said subcontroller ignores subsequent command messages received prior to sending a response message responsive to the first command message.

Stockstad disclosed ignoring command messages which fall outside of a command response window (220 of Figure 3). It would have been obvious to one of ordinary skill in the art at the time of invention to subsequent command messages received prior to sending a response message responsive to the first command message in the Kasahara invention. One is motivated as such since a proper state machine would allow completion of a current command by acknowledging the first action before accepting new commands from a host controller and thereby reducing the possibility of error.

Furthermore, given that success and failure acknowledgments are extremely well known in the art for command/response protocols it would have been obvious to one of ordinary skill in the art at the time of invention include these responses in the Kasahara invention as a matter of updating the host controller on the state of the subcontroller.

Re claims 2-4, the modified invention as taught disclosed in the 2nd embodiment a method of achieving gain stabilization against the characteristic variations with time of the optical amplifier repeaters 5 operating on the basis of the identification expressions, see e.g., Kasahara e.g., col./line(s): 14/60-67, 15/1-5). it would have been obvious to one of ordinary skill in the art at the time of invention to manage a magnitude of the amplifier to manage the gain tilt.

Re claim 5, the modified invention as taught disclosed wherein said first command message further includes addressing data indicating a portion of an optical subsystem controlled by said optical

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subcontroller to which the command is to be applied. see Kasahara e.g., col./line(s): 6/5-15.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Payne whose telephone number is (571) 272-3024. The examiner can normally be reached on M-F, 7a-4p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dcp


David C. Payne
Patent Examiner
AU 2638